

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

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NATHANIEL GARDNER,

Plaintiff,

Civil Case No. CV 08-01248 VRW

v.

**DECLARATION OF BETTIE E. GOLDMAN**

UNITED STATES OF AMERICA, ET AL

Defendants,

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I, BETTIE E. GOLDMAN, declare and say:

1. I am the Assistant Deputy Chief Counsel, Litigation and Policy, in the Office of Chief Counsel of the United States Department of Justice, Drug Enforcement Administration (DEA). I am also serving as the Associate Chief Counsel of the Civil Litigation Section.

2. In my capacity as Associate Chief Counsel, I am the custodian of agency records relating to the filing, evaluation, and disposition of administrative claims presented to DEA under the Federal Tort Claims Act (FTCA). Agency procedures require that all FTCA claims over \$500.00 be submitted to this office for review.

3. As a routine business practice, this office maintains a record of each such claim. This system has been in effect for over ten years.

4. On or about April 30, 2008, I caused a thorough search to be made of the FTCA claim records of this office to determine whether a claim was presented to DEA by plaintiff, Nathaniel Gardner, arising out of the incidents described in plaintiff's complaint, dated March 3, 2008.

5. No FTCA claim was presented by the plaintiff.
6. I declare under penalty of perjury that the forgoing statements are true and correct.

Sworn this 30<sup>th</sup> day of April,  
2008, in Arlington, Virginia

  
BETTIE E. GOLDMAN